



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,929	09/04/2003	Chun-Hee Song	Q75250	4912
23373 7590 04/03/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER VETTER, DANIEL	
			ART UNIT	PAPER NUMBER
			3628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/653,929	Applicant(s) SONG, CHUN-HEE	
	Examiner Daniel P. Vetter	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 4-8 and 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/10/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3628

DETAILED ACTION

Claims 1-17 are pending in this application.

Election/Restrictions

1. Applicant's election without traverse of claims 1-3 and 9-10 in the reply filed on March 6, 2007 is acknowledged. Claims 4-8 and 11-17 are withdrawn from consideration.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yap, et al., U.S. Pat. Pub. No. 2001/0033736 (Reference A of the attached PTO-892) in view of Agnihotri, et al., U.S. Pat. Pub. No. 2002/0081090 (Reference B of the attached PTO-892).

4. As per claim 1, Yap, et al. teaches a method of preventing a duplicate recording of a broadcasting program, comprising: (a) before entering a recording mode, reading additional information corresponding to a to-be-recorded broadcasting program from an

Art Unit: 3628

additional information storing unit (¶ 0131), the additional information including title information and summary information (¶ 0131); (b) searching a recording unit and determining whether the recording unit stores title information corresponding to the to-be-recorded broadcasting program (¶ 0133); (c) if the title information corresponding to the to-be-recorded broadcasting program is detected from the recording unit in operation (b), comparing summary information included in the additional information read in operation (a) with that stored in the recording unit in connection with the detected title information (¶ 0134); and entering the recording mode to enable recording of the to-be-recorded broadcasting program on the recording unit (¶ 0139). Yap, et al. does not teach calculating a correspondence ratio; comparing the correspondence ratio calculated in operation (c) with a predetermined reference value, and if the correspondence ratio is less than the predetermined reference value, entering the recording mode to enable recording of the to-be-recorded broadcasting program on the recording unit. Agnihotri, et al. teaches calculating a correspondence ratio (¶ 0058); comparing the correspondence ratio calculated in operation (c) with a predetermined reference value (¶ 0060), and if the correspondence ratio is less than the predetermined reference value, recording of the program on the recording unit (¶ 0063). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate calculating a correspondence ratio; comparing the correspondence ratio

Art Unit: 3628

calculated in operation (c) with a predetermined reference value, and if the correspondence ratio is less than the predetermined reference value, recording of the program on the recording unit into the method taught by Yap, et al. in order to match already-recorded programs (as taught by Agnihotri, et al., ¶ 0057). Agnihotri, et al. teaches that the comparison occurs after recording has already begun but does not teach the comparison occurs before recording; however Yap, et al. teaches the comparison occurring before recording begins (¶ 0133).

5. As per claim 2, Yap, et al. in view of Agnihotri, et al. teaches the method of claim 1 as described above. Yap, et al. further teaches the title information includes sub-title information (¶ 0131).

6. As per claim 3, Yap, et al. in view of Agnihotri, et al. teaches the method of claim 1 as described above. Yap, et al. further teaches producing a message informing that there is a broadcasting program already recorded in the recording unit, which broadcasting program may be identical to the to-be-recorded broadcasting program (¶ 0133). Agnihotri, et al. further teaches determining whether or not to take action if the correspondence ratio is greater than the predetermined reference value in operation (d) (¶ 0060). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate determining whether or not to take action if the correspondence ratio is greater than the predetermined reference value in operation

Art Unit: 3628

into the method taught by Yap, et al. in view of Agnihotri, et al. because using a correspondence ratio is one way to determine if a program has already been recorded (as taught by Agnihotri, et al., ¶¶ 0055-58).

7. As per claim 9, Yap, et al. teaches a method of preventing duplicate recording of a broadcasting program, comprising: (a) before executing a recording command, reading additional information corresponding to a to-be-recorded broadcasting program from an additional information storing unit (¶ 0131), the additional information including title information (¶ 0131); (b) searching a recording unit and determining whether the recording unit stores title information corresponding to the to-be-recorded broadcasting program (¶ 0133); and (c) if the title information corresponding to the to-be-recorded broadcasting program is detected from the recording unit in operation (b), halting the recording (¶ 0135). Yap, et al. does not explicitly teach that the halting of the recording is done by ignoring the recording command. Agnihotri, et al. teaches the halting of the recording is done by ignoring the recording command (¶ 0062). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the halting of the recording is done by ignoring the recording command into the method taught by Yap, et al. in order to prevent re-recording of the same program (as taught by Agnihotri, et al., ¶ 0017).

Art Unit: 3628

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yap, et al. in view of Agnihotri, et al. as applied to claim 9 above, in further view of Kanemitsu, U.S. Pat. No. 6,854,127 (Reference C of the attached PTO-892).

9. As per claim 10, Yap, et al. in view of Agnihotri, et al. teaches the method of claim 9 as described above. Yap, et al. in view of Agnihotri, et al. does not teach the title information includes information on a sequence number of the to-be-recorded broadcasting program. Kanemitsu teaches the title information includes information on a sequence number of the to-be-recorded broadcasting program (column 5, lines 54-61). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the title information includes information on a sequence number of the to-be-recorded broadcasting program into the method taught by Yap, et al. in view of Agnihotri, et al. because sequence information is used to identify specific content (as taught by Kanemitsu, column 2, lines 50-53).

Conclusion

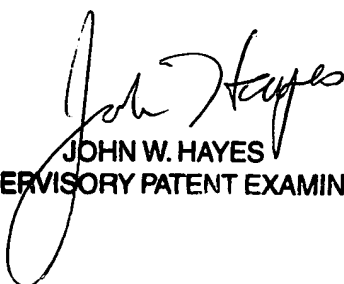
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hassell, et al., U.S. Pat. Pub. No. 20040128685 (Reference D of the attached PTO-892) teaches an interactive television program guide system with digital storage that allows the user to manage and maintain a user media library.

Art Unit: 3628

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Vetter whose telephone number is (571) 270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER